

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MICHAEL P. ALLEN, et al.,)
)
)
Plaintiffs,)
)
)
v.) Civil Action No.: 06-cv-879-WKW
)
)
UNITED STATES,)
)
)
Defendant.)

WALLACE MONTGOMERY, et al.,)
)
)
Plaintiffs,)
)
)
v.) Civil Action No.: 06-cv-880-WKW
)
)
UNITED STATES,)
)
)
Defendant.)

JOINT MOTION TO MODIFY THE COURT'S SCHEDULING ORDER

Comes now the United States, joined by the Plaintiffs Michael, Lou Ellen, and Lorie Allen and Wallace and Phyllis Montgomery, to move this Court to modify its scheduling order. In support thereof, the parties aver the following:

1. The Court's scheduling order in the above-referenced cases, which have been consolidated for discovery, required the Plaintiffs to designate their expert witnesses and reports by July 9, 2007.
2. Pursuant to Federal Rule of Civil Procedure 26(a)(2)(C), the Defendant has 30

days to rebut the Plaintiffs' designations. The Court's scheduling order, therefore, provided that the United States would designate its experts 30 days after the Plaintiffs, on August 8, 2007.

3. Prior to the Plaintiffs' designation deadline, July 9, 2007, the Plaintiffs requested, and the United States agreed to provide, additional time to designate their expert witnesses.

4. As a result, the United States has not yet received the Plaintiffs' expert designations and is not in a position to rebut the Plaintiffs' designations as of August 8, 2007.

5. The parties hereby jointly request that the Court's scheduling order be amended to provide that the Plaintiffs will designate their expert witnesses by September 18, 2007, and the Defendant will respond thirty days thereafter with its own designations on October 18, 2007.

6. The parties further request that the deadline for completing discovery be extended to December 18, 2007.

7. Modifying the deadline for designations and completion of discovery will not alter the date set for trial, nor will it affect the parties' obligation to conduct a good-faith settlement conference on or before November 30, 2007.

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Respectfully submitted,

/s/ Conor Kells

CONOR KELLS
GAIL K. JOHNSON
Trial Attorney, Torts Branch
Civil Division
U.S. Department of Justice
Benjamin Franklin Station
P.O. Box 888
Washington, D.C. 20044
(202) 616-4273
(202) 616-5200 (FAX)

Attorneys for Defendant
UNITED STATES OF AMERICA

/s/ Annesley H. DeGaris

ANNESLEY H. DEGARIS
Cory, Watson, Crowder, & DeGaris, P.C.
2131 Magnolia Avenue
Birmingham, AL 35205
(205) 328-2200
(205) 328-7896 (FAX)

Attorney for The Allen Plaintiffs

/s/ J. Callen Sparrow

J. CALLEN SPARROW
Heninger Garrison Davis, L.L.C.
2221 First Avenue North
Birmingham, AL 35203
(205) 326-3336
(205) 326-3332 (FAX)

Attorney for The Montgomery Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Joint Motion to Amend the Court's Scheduling Order upon plaintiffs' attorneys by electronic filing and CM/ECF on:

Annesley H. DeGaris, Esq.
Cory, Watson, Crowder & DeGaris, P.C.
2131 Magnolia Avenue, Suite 200
Birmingham, AL 35205

J. Callen Sparrow, Esq.
Heninger Garrison Davis, L.L.C.
2221 First Avenue North
Birmingham, AL 35203

Dated this 10th day of August, 2007.

/s Conor Kells

CONOR KELLS